

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE LOPEZ TORRES, ALVIN GAITAN
BENITEZ, CHRISTIAN LEMUS CERNA,
OMAR DEJESUS CASTILLO, DOUGLAS
DURAN CERRITOS, MANUEL ERNESTO
PAIZ GUEVARA, and JESUS ALEJANDRO
CHAVEZ,

Defendants.

Crim. No. 1:14cr306

March 30, 2016

JURY TRIAL TESTIMONY

BEFORE: THE HONORABLE GERALD BRUCE LEE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR GOVERNMENT: UNITED STATES ATTORNEY'S OFFICE
BY: JULIA MARTINEZ, AUSA
STEPHEN M. CAMPBELL, AUSA
TOBIAS TOBLER, AUSA

OFFICIAL COURT REPORTER:

RENECIA A. SMITH-WILSON, RMR, CRR
U.S. District Court
401 Courthouse Square, 5th Floor
Alexandria, VA 22314
(703)501-1580

APPEARANCES (Continued)

FOR DEFENDANT JOSE LOPEZ TORRES

BYNUM & JENKINS, PLLC
BY: ROBERT L. JENKINS, JR., ESQ.
THE LEIVA LAW FIRM, PLC
BY: MANUEL E. LEIVA, ESQ.

FOR DEFENDANT ALVIN GAITAN BENITEZ

LAW OFFICE OF AMY LEIGH AUSTIN
BY: AMY LEIGH AUSTIN, ESQ.
SMITH & ZIMMERMAN, PLLC
BY: JEFFREY D. ZIMMERMAN, ESQ.

FOR DEFENDANT CHRISTIAN LEMUS CERNA

LAW OFFICE OF CHRISTOPHER AMOLSCH
BY: CHRISTOPHER AMOLSCH, ESQ.
FRANK SALVATO, ESQ.

FOR DEFENDANT OMAR DEJESUS CASTILLO

FIRSTPOINT LAW GROUP, PC
BY: KATHERINE MARTELL, ESQ.
OLD TOWN ADVOCATES, PC
BY: MEREDITH M. RALLS, ESQ.

FOR DEFENDANT DOUGLAS DURAN CERRITOS

LAW OFFICE OF J.R. CONTE, PLLC
BY: JOSEPH R. CONTE, ESQ.
LAW OFFICE OF DWIGHT CRAWLEY
BY: DWIGHT E. CRAWLEY, ESQ.

FOR DEFENDANT MANUEL ERNESTO PAIZ GUEVARA

LAW OFFICE OF W. MICHAEL CHICK, JR.
BY: WILLIAM MICHAEL CHICK, JR., ESQ.

FOR DEFENDANT JESUS ALEJANDRO CHAVEZ

JEROME P. AQUINO, ESQ.
ELITA C. AMATO, ESQ.

INDEX

<u>WITNESS (Government)</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
-----------------------------	---------------	--------------	-----------------	----------------

Claudio Saa	5	28 (Not completed)		
-------------	---	--------------------	--	--

(Court recessed)

PROCEEDINGS

...(Court in session at 4:04 p.m.)

THE COURT: Hearing no objection, you can bring our jury out, Mr. Toliver. Thank you.

Who is going to pass them out? Thank you.

(Jury present at 4:05 p.m.)

THE COURT: You may be seated. Thank you.

Ladies and gentlemen, I had my staff -- normally when I have a trial -- prepare a seating chart for me. And I'm going to give you a copy of it.

Now, this seating chart is just a seating chart of the way I see the courtroom. It's not evidence of any kind. It is just to assist you in recognizing the names of the individual lawyers and the parties in the courtroom.

Put your own name on your seating chart and keep it with your notes.

(Pause.)

THE COURT: Call your first witness.

MR. CAMPBELL: Your Honor, the government calls Sergeant Claudio Saa.

(Witness sworn.)

THE WITNESS: I do.

THE COURT: You may proceed.

1 THEREUPON, CLAUDIO SAA, having been duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. CAMPBELL:

5 Q. Good afternoon, sir.

6 A. Good afternoon.

7 Q. Please state your full name and spell it for the
8 record.

9 A. First name is Claudio, C-l-a-u-d-i-o, last name
10 is Saa, S-a-a.

11 Q. Sir, where were you born?

12 A. Quillota, Chile, South America.

13 Q. What languages do you speak?

14 A. Spanish and English.

15 Q. What languages do you read?

16 A. Spanish and English.

17 Q. And how proficient are you in Spanish?

18 A. Fluent.

19 Q. Where do you work?

20 A. I work with the Town of Herndon Police
21 Department.

22 Q. And how long have you served as a law enforcement
23 officer?

24 A. Since September of 1999.

25 Q. What is your current position?

1 A. I am in charge of the criminal investigation
2 section of the department, where I supervise six
3 detectives.

4 Q. And what other positions have held in the Herndon
5 Police Department?

6 A. As a patrol officer, I was assigned as the gang
7 coordinator, which I was in charge of the -- obtaining
8 information on gang related activity in the town, and
9 dissemination of that information throughout the
10 department as well outside agencies.

11 And in 2003, I was assigned as a gang detective
12 with the Northern Virginia regional gang task force,
13 which was a multi-jurisdictional task force encompassed
14 of 14 different agencies of the Northern Virginia
15 region, both local and federal, which we investigated
16 gang activity in the Northern Virginia region.

17 And in 2012 I was promoted to sergeant.

18 Q. What were your duties as a detective on the gang
19 task force?

20 A. It was the investigation of gang activity in the
21 region, wherever these cases led to. Some led outside
22 of the region, some led internationally.

23 Q. And between your duties as a gang coordinator
24 with the Herndon Police Department, and a detective
25 assigned to the Northern Virginia gang task force, how

1 many years have you focused on gang investigations?

2 A. I would say -- I -- I'm still involved in
3 investigating some gang activity now, so I would say in
4 my 16 and a half years, I would say my entire career, to
5 include when I got released off of field training, where
6 I started investigating gang crime as a patrol officer.
7 So that would be 16 years total.

8 Q. Sir, what gangs have you investigated?

9 A. MS-13, 18th Street, Bloods, Cripps, Latin Kings.

10 Q. And, what percentage would you estimate of those
11 gangs focused on MS-13 investigations?

12 A. 85 percent.

13 Q. What training have you received for conducting
14 gang investigations?

15 A. In-service training at police academies, attended
16 numerous network gang intelligence network sharing,
17 conferences. I've attended conferences in El Salvador,
18 five to be -- five different conferences, five different
19 years, which were international gangs symposium
20 conferences, and various amounts of different training.

21 Q. Sergeant, can you explain a little further for
22 the jury what type of topics were presented at those
23 international gang --

24 A. Changes in --

25 Q. -- conferences?

1 A. -- trends in gang activity. Some of the
2 conferences were specific to the MS-13 gang, so they
3 spoke on the changes, the methods of operation,
4 networking and sharing with outside agencies.

5 Q. Have you provided instruction and training, as
6 well as receiving instruction and training, on the gang?

7 A. Yes, I have.

8 Q. And to whom?

9 A. Law enforcement, military, law enforcement in
10 Central America, actually, I've taught gang training for
11 Iraqi police, civic groups, parent organizations,
12 community events.

13 Q. How many, do you estimate, of these
14 investigations you've conducted involving MS-13?

15 A. Over 75.

16 Q. And, have you assisted other agencies or police
17 departments in their investigations, as well as your own
18 investigations?

19 A. Yes.

20 Q. And how many times would you estimate you've done
21 that?

22 A. Over 75.

23 Q. What other departments or agencies have you
24 assisted in the course of your 15-year career?

25 A. Actually, all the Northern Virginia region, local

1 agencies, FBI, CIA, the Department of Homeland Security,
2 Secret Service, ATF, DEA and El Salvadorian police.

3 Q. How many times would you estimate that you
4 conducted surveillance operations for MS-13
5 investigations?

6 A. Over 75 times.

7 Q. How many times would you estimate you executed
8 arrest warrants and search warrants?

9 A. Over a hundred.

10 Q. How many times would you estimate you interviewed
11 MS-13 gang members?

12 A. Over a hundred.

13 Q. Have you ever testified as an expert in court on
14 MS-13?

15 A. Yes, I have.

16 Q. How many times?

17 A. Thirteen.

18 Q. What courts have you testified in?

19 A. Fairfax County Circuit, Fairfax County General
20 District, Fairfax County Juvenile and Domestic Relations
21 Court, Baltimore Court Circuit Court, Spottsylvania
22 County Circuit Court, as well as EDVA.

23 Q. And --

24 THE COURT: I'm sorry. Did you say "EDVA"?

25 THE WITNESS: Yes, sir.

1 THE COURT: All right.

2 BY MR. CAMPBELL:

3 Q. Sergeant, with the assistance of the court
4 security officer, if I may ask you to look at what's
5 been marked as Government's Exhibit 137 and 137-A.

6 A. Yes, sir.

7 Q. Sir, do you recognize those documents?

8 A. Yes, sir.

9 Q. And what are they?

10 A. My CV or resumé.

11 MR. CAMPBELL: Your Honor, at this time the
12 government moves the sergeant as an expert witness on
13 gang MS-13, including the history, structure, and rules
14 and activities of the gang.

15 THE COURT: Gang expert on the structure,
16 rules, and activity?

17 MR. CAMPBELL: And history of the gang.

18 THE COURT: You're not moving his CV; you
19 just want to be referring to the CV; is that correct?

20 MR. CAMPBELL: That's correct.

21 MR. JENKINS: May it please the Court.

22 THE COURT: Yes.

23 MR. JENKINS: Subject to cross-examination.

24 THE COURT: Of course.

25 If you would elicit more information about

1 what judge he's testified in front of in this Court.

2 MR. CAMPBELL: Do I have a list of them?

3 THE COURT: If you could ask him to tell me
4 that now.

5 MR. CAMPBELL: Oh.

6 BY MR. CAMPBELL:

7 Q. Sergeant --

8 THE COURT: And Ms. Bull, can I see the CV?

9 BY MR. CAMPBELL:

10 Q. Could you provide for the Court the list of the
11 courts and judges you've testified --

12 THE COURT: In the federal courthouse, in
13 this courthouse.

14 THE WITNESS: I don't have the judges. I
15 have the actual defendant cases on it.

16 THE COURT: Have you seen the list?

17 MR. CAMPBELL: The list has been provided to
18 the defense.

19 THE COURT: The defense has seen it?

20 Let me see it. I haven't seen it.

21 MR. JENKINS: Yes, Your Honor.

22 Your Honor, I believe it's Government's
23 Exhibit 137-A.

24 THE COURT: Okay.

25 MR. JENKINS: Or should I say the

1 information contained in there.

2 THE COURT: Say again?

3 MR. JENKINS: The information is contained
4 in there, if you look through it.

5 THE COURT: Oh, I see.

6 Oh, my goodness. Okay.

7 Sir, if I'm looking at this correctly, is it
8 page four of six that you listed federal court
9 appearances?

10 THE WITNESS: Excuse me. Yes, sir.

11 THE COURT: You're saying you testified in
12 each of those cases?

13 THE WITNESS: Yes, sir.

14 THE COURT: So, it's just three cases, not
15 five, is that right?

16 Am I reading this correctly, just three
17 cases, not five?

18 THE WITNESS: One, two, three, four, five.
19 There's one in the back.

20 THE COURT: Well, on page four of six, I
21 see --

22 THE WITNESS: I'm sorry. Yeah, it's
23 actually broken down chronologically, so I have actually
24 four of six, five of six and six of six. And six
25 were -- there is one on page five, and one on page six.

1 THE COURT: Okay.

2 Subject to cross-examination, the witness
3 will be permitted to testify as an expert on gang
4 structure, function, history, and rules for MS-13, to a
5 reasonable degree of certainty based upon his experience
6 in the field; of course subject to cross-examination.

7 Go ahead.

8 MR. CAMPBELL: Thank you, Your Honor.

9 BY MR. CAMPBELL:

10 Q. Sir, what do the initials "MS" stand for in
11 MS-13?

12 A. Mara Salvatrucha.

13 Q. And what does the number "13" stand for?

14 A. It stands for the 13th letter of the alphabet,
15 which is the M. The 13th letter of the alpha- -- the
16 "13" was adopted by MS-13 back in the '80s and '90s when
17 they established themselves as a gang in -- in Los
18 Angeles, California, specifically the Pico-Union area of
19 Los Angeles.

20 Before, they used to be called MS Stoners, when
21 they first came over to the United States, when the
22 Salvadorian nationals fled the civil war. A large
23 percentage of the Salvadorian nationals settled in that
24 area in Los Angeles to get away from the civil war.

25 When they started living in this area, they

1 became -- became victims of the already-established
2 gangs in that area, that had been around for many, many
3 years. So they formed this group, called themselves MS
4 Stoners, for protection and for them to just have
5 somebody they can be with.

6 Little by little, this group of MS Stoners became
7 this full-fledged criminal street gang, and they dropped
8 the "Stoners" name of the -- of the MS part of it and
9 adopted the number 13, because in the gang culture, a
10 Sureños gang, which is a southern gang, is overseen by
11 the Mexican mafia on the West Coast. And to pay homage
12 to the Mexican mafia, which is also known as the Eme,
13 which is the 13th letter of the alphabet, is the M, they
14 adopted that number "13" to go along with the MS part of
15 it.

16 Q. What country are the gang members primarily from?

17 A. El Salvador, Honduras, Guatemala, Nicaragua,
18 Mexico, and now you've seen some from South America,
19 Peru, Chile.

20 Q. And you testified that the gang originated in Los
21 Angeles. How far has it spread within the United
22 States?

23 A. Throughout the entire United States.

24 Q. When did the gang arrive here in Virginia?

25 A. Early '90s.

1 Q. And what type of presence has the gang had here
2 since then?

3 A. They've instilled fear and intimidation in the
4 community.

5 Q. As far as size, what type of presence have they
6 had here?

7 A. In the region?

8 Q. In the Northern Virginia area.

9 A. They grow in numbers. They're estimated numbers,
10 from 2,000 to 3,000.

11 Q. As a law enforcement officer, when did you first
12 encounter MS-13 here in Northern Virginia?

13 A. As soon as I put my uniform on and started
14 patrolling the Town of Herndon.

15 Q. And what year was that?

16 A. 2000.

17 Q. Can you tell the jury how MS-13 is organized?

18 A. They're organized by leadership. They have a top
19 leadership -- they're organized by cliques. And I'll
20 give you this example. MS would be the NFL. The
21 cliques or the subsets would be the cliques, the teams
22 under the NFL.

23 And within each clique, there's a leader or two,
24 and soldiers, or the homeboys, and sometimes then they
25 have the hang-arounds that are referred to as *paros* or

1 *paisas*.

2 THE COURT: Can you spell that for us?

3 THE WITNESS: Paro, p-a-r-o; *paisa*,
4 p-a-i-s-a.

5 BY MR. CAMPBELL:

6 Q. Sir, what is the basic hierarchy of MS-13?

7 A. Within the clique, they have a, one leader or
8 two, usually referred to as the *primera voz* or *segunda*
9 *voz*, standing for first voice or second voice.

10 Then they have the homeboys, who would be
11 considered the soldiers or the foot soldiers.

12 Then they have the *paisas*, which would be the
13 hang-arounds or the ones who are in the process of being
14 indoctrinated to the next level. And that level is
15 called *chequeo*.

16 But as far as the entire structure, you have --
17 they are broken down into programs in the Northern
18 Virginia region or East Coast, which all fall under the
19 flag of MS.

20 THE COURT: How is *chequeo* spelled?

21 THE WITNESS: *Chequeo*, c-h-e-q-u-e-o.

22 THE COURT: Thank you.

23 BY MR. CAMPBELL:

24 Q. So as you described it, sir, you have the cliques
25 at the bottom?

1 A. Yes.

2 Q. And then the programs in the middle?

3 A. Yes.

4 Q. And what's at the top of the --

5 A. MS.

6 Q. -- MS-13 organization?

7 Where is that located?

8 A. The national, or you would think is -- the
9 motherland would be El Salvador.

10 Q. How many cliques are there, generally speaking,
11 to your knowledge, in Northern Virginia?

12 A. Presently, there's about five to six active
13 cliques.

14 Q. And please tell the jury the most prominent
15 cliques in this area.

16 A. PVLA, Pinos, V -- Vatos Locos, Salvatruchos and
17 Virginia Locos, and it fluctuates, and Western.

18 THE COURT: It would help us all if you
19 would spell it, because we can't -- we don't know it as
20 well as you do.

21 THE WITNESS: Okay. PVLS is Park View Locos
22 Salvatruchos, which is P-a-r-k, V-i-e-w. Vatos Locos,
23 V-a-t-o-s, L-o-c-o-s. You have Western,
24 W-e-s-t-e-r-n-o -- -e-r-n, excuse me.

25 I lost track there.

1 BY MR. CAMPBELL:

2 Q. Each of the cliques you listed has Locos
3 Salvatruchos is part of its name. What is the
4 significance of Locos Salvatruchos?

5 A. Locos Salvatruchos, Crazy Salvadorians.

6 Q. What is the origin of the PVLS, the Park View
7 clique that you --

8 A. Park View clique, the origins are from Park View
9 Street in Los Angeles, California. Park View is one of
10 the original cliques of MS. It started back in the '80s
11 and is considered an international clique because it's
12 not just in the United States. It's also in Central
13 America and in Canada.

14 Q. Now, you described a moment ago the leaders as
15 the first word and the second word; is that correct?

16 A. Yes, sir.

17 Q. If you're not in leadership, what is the general
18 term used to refer to the members or associates --

19 A. Homeboys.

20 Q. -- of MS-13?

21 Who does -- who does MS-13 recruit to become gang
22 members?

23 A. Strength in numbers; whoever they can get into
24 the gang.

25 Q. Is there a particular age range, from your

1 experience?

2 A. From my experience over the years, it's gotten
3 much younger. Age range can be from anywhere from 10 to
4 16, 11 to 18, the -- it's much younger.

5 Q. And why does the gang focus on recruits of that
6 age?

7 A. I guess in their mind, they feel that if these --

8 MR. JENKINS: Objection, Your Honor. Calls
9 for speculation.

10 MR. CAMPBELL: Your Honor, he's an expert
11 witness.

12 MR. JENKINS: He said "I guess."

13 THE COURT: He can identify behaviors, but
14 he can't speak for their minds.

15 BY MR. CAMPBELL:

16 Q. What does being jumped in involve?

17 MR. CONTE: Objection, leading.

18 THE COURT: A question that begins with
19 "what" is not leading. Objection overruled.

20 THE WITNESS: Jump in is the process of
21 being indoctrinated into the gang. It's the recruitment
22 aspect of it. You're basically beat up for 13 seconds
23 by selected members in -- in the specific clique. And
24 either they -- one member is assigned to count as the
25 other selected ones kick you, punch you, and you take

1 the beat-down.

2 BY MR. CAMPBELL:

3 Q. What type of name is given to a recruit once they
4 get beaten into or jumped into?

5 A. They're given a nickname.

6 Q. And what is the purpose of that nickname?

7 A. Some are based on their personality, their
8 temperament. Some, because of the activity they've
9 done, so they're given a nickname to fit that person or
10 that new recruit.

11 Q. And what is the effect of the use of those
12 nicknames on law enforcement investigations?

13 A. It makes it very difficult to identify these gang
14 members, because some of them, even within their own
15 group, don't know their true names and they only know
16 them by the nicknames.

17 Q. What are the various levels of membership or
18 association within a clique?

19 A. Within a clique, you have, like I said, the
20 *paisa*, or the hang-around. And once that *paisa* or
21 hang-around has proven his loyalty to the gang, you go
22 to the next level or the higher part of the *paisa*, *paro*,
23 and you --

24 Q. Before you go to that next level --

25 A. Yes, sir.

1 Q. -- and I think you just mentioned it, in addition
2 to *paisa*, is there another term that is used for that
3 entry level or the hang-around, as you described?

4 A. Yes, *paro*. They're both interchangeable.

5 Q. And what type of roles does a *paro* or a *paisa*
6 perform?

7 A. They run the errands. They do all the manual
8 labor, if you can put it in those terms. They're the
9 lookouts. They'll deliver packages, but they're not
10 allowed to look inside the packages. They do the menial
11 work.

12 Q. After serving as a *paro*, what is the next level?

13 A. The next level would be the *chequeo*.

14 Q. And what are the responsibilities of a *chequeo*?

15 A. The *chequeo*, basically you've -- you've proven
16 your alliance and loyalty to the gang, and now it's
17 your -- your turn to become the full-fledged member.

18 Q. Can you give the jury some examples of the types
19 of tasks or missions that *chequeos* are assigned to
20 performed?

21 A. Homicides, crimes of violence, narcotics dealing.

22 Q. After serving as a *chequeo*, what is the next
23 level of advancement within a clique?

24 A. Homeboy.

25 Q. What does the term "homeboy" signify?

1 A. You're a full-fledged member.

2 Q. How do you advance from a *chequeo* to a
3 full-fledged member, a homeboy?

4 A. Violence, homicide.

5 Q. What, if any, meetings must a gang member attend
6 for MS-13?

7 A. Within the clique, they have -- they can have
8 biweekly or monthly meetings. They have a meeting
9 called a *misa*, which is, translates to church, m-i-s-a,
10 in Spanish. And that's attended by the leadership of
11 the cliques in the region.

12 Q. Where do they hold these clique meetings?

13 A. Soccer fields, hotels, apartments, anywhere where
14 it's not easy accessible for law enforcement.

15 Q. And what is the purpose of these meetings?

16 A. The purpose is to discuss gang business.

17 Q. What are the dues for that are paid by these
18 members?

19 A. During these meetings, there's dues are
20 collected, and those dues -- the large majority go
21 down to -- excuse me -- are sent down to El Salvador, or
22 used for the members who are incarcerated, as well as
23 some other members that are incarcerated in the United
24 States, used to purchase weapons and narcotics.

25 Q. How do the clique members generate money to pay

1 those dues?

2 A. In our regions, most -- not "most" -- some
3 members have -- work full-time jobs. Then you have the
4 illegal activity of narcotics dealing, stealing, theft
5 of property and sold for money, or actual robberies of
6 cash.

7 Q. Can you go back to what you described before?

8 After the clique meetings, the internal clique
9 meetings, you discussed a program meeting. I think you
10 referred to it as a *misa*. Can you refer the purpose
11 behind the program meeting?

12 A. Yeah. The program meeting is also called a
13 universal meeting, because that's held in the grander, I
14 guess, scheme of things. It's more interactive with the
15 leadership in El Salvador, as -- even though you have a
16 clique meeting and you may discuss MS meeting, and you
17 may talk to one or two ranking leaders in El Salvador,
18 when you go to the universal program meeting, now you're
19 talking to the very higher, top ranking leaders of MS in
20 El Salvador.

21 Q. What about regionally, for example within
22 Virginia; is there a program meeting within Virginia?

23 A. Yes.

24 Q. And who attends those meetings?

25 A. The top leadership of the cliques.

1 Q. How often are those meetings held?

2 A. It's usually like -- it's usually once a month,
3 but, at any point in time, depending on what the
4 situation may be, they can call a meeting, within hours
5 or days.

6 Q. What is the motto of MS-13?

7 A. *"Mata, viola, controla."*

8 Q. And what does that translate into English?

9 A. Kill, rape, and control.

10 Q. What are the objectives of MS-13?

11 A. To instill fear and intimidation in the
12 community.

13 Q. And how does MS-13 accomplish that?

14 A. By violence.

15 Q. With respect to the acts of violence, are there
16 any particular weapons associated with MS-13 crimes?

17 A. Edge weapons -- machetes, knives -- blunt
18 instruments and hand- -- some, right now, handguns or
19 long guns.

20 Q. How do gang members show their identity, with
21 respect to MS-13, belonging to MS-13?

22 A. By hand sign.

23 Q. Are there any other methods by which they show
24 their identity?

25 A. Just greeting themselves as members.

1 Q. What colors do MS-13 wear?

2 A. Blue and white.

3 Q. With respect to the hand signs, can you please
4 show us any of the hand signs that you understood are
5 used by MS-13?

6 A. (Indicating) This is called the *garrucha*,
7 sometimes referred to as the devil's claw, the devil's
8 horn.

9 MR. CAMPBELL: Your Honor, may the record
10 reflect that the witness is holding up his index finger
11 and has extended that, and his pinky finger, and has
12 folded his middle fingers underneath his thumb?

13 THE COURT: So noted.

14 BY MR. CAMPBELL:

15 Q. Can you demonstrate -- excuse me. What is the
16 significance of the devil horns themselves, with respect
17 to MS-13?

18 A. Evil.

19 Q. And how is that represented?

20 A. By violence.

21 Q. When do MS-13 members display these hand signs?

22 A. When facing the rival gang members, when they
23 greet themselves to identify themselves, or try to
24 identify a rival gang member.

25 Q. What about with respect to tattoos; what type of

1 tattoos do MS-13 members usually have to show their
2 identity with the gang?

3 A. They will be MS-specific tattoos by the -- any --
4 different variations of the word "MS" or "13," and also
5 a clique initials and their nickname.

6 Q. How has the wearing of the tattoos changed over
7 the years?

8 A. Over the years, I mean -- when I first started
9 investigating MS, it was vastly visible out there. But
10 over the years, tattooing has gone by the wayside as far
11 as we encounter MS gang members who don't even have a
12 single tattoo.

13 Q. What about graffiti; how is that associated with
14 the gang?

15 A. They use it to establish their presence in a
16 community, in a town, in a region.

17 Q. What are the basic, fundamental rules for MS-13?

18 A. You don't cooperate with the police. Attack on
19 sight on your enemies. MS-13 is number one.

20 Q. When you say "enemies," how do they refer to
21 their enemies?

22 A. *Chavalas*.

23 Q. What does it mean that the gang comes first, or
24 it's number one?

25 A. Can't -- the gang is over mother, over God. It's

1 the utmost for them.

2 Q. When are MS-13s supposed to attack the rival gang
3 members, or *chavalas*?

4 A. Upon sight, or when the opportunity arises.

5 Q. What does the term "patrolling" mean with respect
6 to gang members?

7 A. Patrolling is when members really go out and
8 patrol, looking for rival gang members.

9 Q. What does the gang use as a term for people that
10 cooperate against the gang with law enforcement?

11 A. *Ratas*, rats.

12 Q. What are the consequences if a gang member is
13 found or believed to have been cooperating with law
14 enforcement?

15 A. They're given what is considered -- or not
16 "considered" -- what's called a green light, which is a
17 death sentence.

18 Q. What are the types of punishments that the gang
19 is known to administer?

20 A. It's called a *calentón*, c-a-l-e-n-t-o-n, which is
21 a beat-down. Like the one you receive, the member
22 received when he came into the gang, you get one of
23 those, but it's much harsher and more violent, and it's
24 for 13 seconds.

25 Q. And when you referred a moment ago to a green

1 light and you described it as an authorization to commit
2 murder, who is responsible for issuing that
3 authorization?

4 A. Leaders.

5 Q. And who is responsible in the gang for carrying
6 out the green light?

7 A. Homeboys.

8 Q. And if a gang member carries out the green light,
9 what are the consequences for him?

10 A. You gain status in the gang.

11 MR. CAMPBELL: Your Honor, I have no further
12 questions for this witness.

13 THE COURT: Cross-examination.

14 MR. JENKINS: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. JENKINS:

17 Q. Good afternoon, Detective Saa.

18 A. Good afternoon.

19 Q. Detective Saa, do I understand it correctly, you
20 have arrested over 100 members of MS-13 over the last 16
21 and a half years? Correct?

22 A. I've been involved in the arrest of more than a
23 hund- -- yes, sir.

24 Q. And, you've had occasion to interview, I believe
25 you testified, at least a hundred or more MS members,

1 correct?

2 A. Yes.

3 Q. And these were, can I say -- is it fair to say
4 that these were members who agreed to speak with you?
5 Correct?

6 A. Yes.

7 Q. They agreed to break the rules, correct?

8 A. Yes.

9 Q. They agreed to cooperate with law enforcement,
10 correct?

11 A. Yes.

12 Q. And, the MS gang, generally speaking, the
13 membership is made up of criminals, correct?

14 A. Correct.

15 Q. People who commit crimes, correct?

16 A. Correct.

17 Q. People who steal, correct?

18 A. Yes.

19 Q. People who break our laws, correct?

20 A. That is correct.

21 Q. Fair to say that they're not the most trustworthy
22 members of our community?

23 A. In perspective, no, they're not.

24 Q. They're the type of people who steal, correct?

25 A. Yes.

1 Q. They're the type of people who rob, correct?

2 A. Yes.

3 Q. They're the type of people who act in their own
4 self-interest, correct?

5 A. In terms of MS, they do it for the gang.

6 Q. Yeah, but, that's because they identify their
7 interests with the gang, correct?

8 A. They're part of the gang.

9 Q. And, for these types of individuals, that's their
10 number one goal, and that is, advancing their own
11 interest, correct?

12 A. Their goal is to advance within the gang, and
13 it's done by violence. I mean, you named a number of
14 different criminal acts. I would like to add homicide
15 to be part of that as well.

16 Q. And because these individuals are -- can we say,
17 untrustworthy? Would that be appropriate?

18 A. Maybe in -- in our eyes, but maybe within their
19 own group, I can't speak on that.

20 Q. Well, in our general community's eyes?

21 A. In our community's eyes, yes.

22 Q. Untrustworthy.

23 A. Yes.

24 Q. And because of that, as a law enforcement person
25 with over 16 years of experience of investigating this

1 gang, you have learned that you can't always believe
2 what they say, correct?

3 A. Yes.

4 Q. Because, they lie, correct?

5 A. Not all the time, to us.

6 Q. But sometimes they do?

7 A. Like I say, and that's -- if you're specifically
8 talking about MS, I've also interviewed numerous other
9 criminals, using your words, who have also lied. So,
10 across the board, I've encountered a lot of individuals
11 I've arrested who have lied, and some who have been
12 totally honest.

13 Q. Detective Saa, if you could help us out here,
14 this case is about MS-13. So when I ask you questions,
15 can you just go ahead and take for granted that I'm
16 speaking about MS-13? Correct?

17 A. Yes, sir.

18 Q. All right. Now, MS-13, again, because these
19 individuals are untrustworthy, you know, as a 16-year
20 veteran of the investigating them, that it would be a
21 good idea to attempt to corroborate information that
22 they give you, correct?

23 A. Yes.

24 Q. Because, when they lie, they don't discriminate,
25 correct?

1 A. But they don't lie all the time.

2 Q. I understand that.

3 I asked you when they lie, do they discriminate?

4 A. Can you explain that? I don't understand what
5 you're saying.

6 Q. That is, they lie to law enforcement, correct?

7 A. Yes.

8 Q. They lie to non-cops, correct?

9 A. I guess.

10 Q. They lie to their family members, correct?

11 A. I'm assuming that they do.

12 Q. They lie to prosecutors, correct?

13 A. I'm assuming they do.

14 Q. They lie to judges, correct?

15 A. Okay.

16 Q. And they even lie to each other; isn't that
17 correct?

18 A. I can't speak on all of them.

19 Q. Well, you've had 16 and a half years of
20 experience, right?

21 A. Yes.

22 Q. In those 16 and a half years of experience, that
23 100 arrests that you've conducted, the 100 interviews
24 you've conducted, have you ever experienced a situation
25 where a member of MS-13 lied to another member of MS-13?

1 A. Yes.

2 Q. And, one of the reasons why they do that is, in
3 MS-13 reputations are really big. They're really
4 important, aren't they?

5 A. Yes.

6 Q. In fact, it helps to define your status in the
7 gang, correct?

8 A. Correct.

9 Q. The more important your reputation is, the higher
10 you're rank can be, correct?

11 A. That is correct.

12 Q. And you can go from being a *paizon* (sic), or what
13 do you call it, a hanger-on?

14 A. A *paro*.

15 Q. Right on up to the very top, based on your
16 reputation, correct?

17 A. Well, their acts that -- that's their reputation.

18 Q. Well, more accurately, the acts that people
19 believe you have committed, correct?

20 A. Well, that's -- I can't speak on that as
21 specifically. If you -- basing me -- on my
22 investigations, if I'm arresting somebody because they
23 actually had committed a crime. I can't speak on what's
24 going on internally.

25 Q. Let -- let me ask you this: Before you came here

1 today --

2 A. Yes.

3 Q. -- you were told -- you were given a subpoena,
4 correct?

5 A. Correct.

6 Q. And you were told by members of the U.S.
7 Attorney's Office that they desired to have you serve as
8 a gang expert, correct?

9 A. That is correct.

10 Q. And you heard the government counsel just offered
11 you as a gang expert, correct?

12 A. That is correct.

13 Q. Now, when they offered you as a gang expert, what
14 did that mean to you?

15 A. I have knowledge of the gang.

16 Q. It would be fair for me to ask you questions
17 about the gang, correct?

18 A. That is correct.

19 Q. Now, again, these members, their reputation, it
20 can be predicated on things they've done, correct?

21 A. Correct.

22 Q. And also predicated on things that other gang
23 members believe they have done?

24 A. I believe in that question you're asking me if
25 they're admitting to doing something, they get checked

1 to verify that information.

2 Q. One of the things -- you -- I think you talked
3 about El Salvador being sort of like a base of control
4 for the gang, correct?

5 A. I referred to it as the motherland.

6 Q. The motherland.

7 And there are a lot of members in MS who
8 immigrate from El Salvador, the motherland, to the
9 United States, correct?

10 A. Correct.

11 Q. And, when they get here, to an area like Northern
12 Virginia, and they affiliate with a local clique, they
13 often come with a reputation, correct?

14 A. Yes.

15 Q. And, that reputation is based on what the members
16 here in the United States have been told by that
17 individual about what they did back in El Salvador,
18 correct?

19 A. Yes.

20 And they check on that.

21 Q. And they check on that by talking to other MS
22 people, correct?

23 A. Usually the leadership.

24 Q. Other untrustworthy individuals, correct?

25 A. Maybe untrusted to them, yes.

1 Q. Other criminals, correct?

2 A. Correct.

3 Q. Other people who lie, correct?

4 A. Correct.

5 Q. That's their source of verification, correct?

6 A. Correct.

7 Q. Now, those individuals, by telling stories about
8 what they've done back in El Salvador, that gives them
9 greater status here in the United States, correct?

10 A. If it's validated, yes.

11 Q. For example, if I come to the United States and
12 I'm an MS member, and I brag about committing 12
13 homicides, if, if believed, that gives me higher status,
14 correct?

15 A. If believed and verified, yes.

16 Q. If believed, it gives me higher status, correct?

17 A. If verified. I can't say if believed. If
18 verified.

19 Q. Now, these -- these individuals who you have had
20 the occasion to interview, the 100 or so, how many of
21 them have ever lied to you?

22 A. A handful or more.

23 Q. When you say a handful, can you give me --

24 A. When you talk about lying, it could be something
25 unrelated to the case. It could be something unrelated

1 to what I've asked. I mean, everybody lies to some
2 extent. When you ask me when they lie, yeah, have they
3 lied? Yes.

4 Q. And they lie about a variety of things, correct?

5 A. Yes.

6 Q. Sometimes they lie about their names, correct?

7 A. Yes.

8 Q. They lie about their identity, correct?

9 A. That's correct.

10 Q. They lie about where they're from, correct?

11 A. Correct.

12 Q. They lie about their citizenship, correct?

13 A. Correct.

14 Q. They lie about whether or not they actually are
15 affiliated with the gang, correct?

16 A. Well, if I'm interviewing an MS gang member and
17 he's saying he's not, yes.

18 Q. They lie about crimes that they've committed,
19 correct?

20 A. Yes.

21 Q. They -- sometimes, they claim they haven't
22 committed a crime when you have clear evidence that
23 they, in fact, have, correct?

24 A. Yes.

25 Q. So, they're not what you would consider to be the

1 most credible sources of information --

2 A. Yeah, they're --

3 Q. -- correct?

4 A. -- not standup citizens.

5 Q. They're not, correct?

6 A. Correct.

7 Q. And one of the things about this gang, about this
8 culture, is that they like to brag, don't they?

9 A. Depending on the rule. Because, right now, a lot
10 has changed with MS, and silence is golden.

11 Q. Well, let's talk about the first five years of
12 your experience with the gang.

13 A. Okay.

14 Q. Would you agree with me that during that time,
15 you learned in your first five years, that MS members
16 like to brag?

17 A. But, who are they bragging to?

18 Q. Well, I'm just asking you a very simple question,
19 sir. In your first five years of experience, is it true
20 that you learned that MS members like to brag?

21 A. I really can't answer that.

22 Q. You're the gang expert, correct?

23 A. When you're talking about bragging, I mean, what
24 are they bragging about? Their status? Their violence?

25 Q. Let's take each one of those.

1 A. Okay.

2 Q. Do they brag about their status?

3 A. No. Because the rules with MS have changed, that
4 they don't -- the ones who -- if you're referring to the
5 ones that are just encountered on the street during
6 consensual encounters, yeah, they don't admit they're
7 gang members. They're not going to brag about it.

8 Q. Do they brag about crimes that they have
9 committed?

10 A. I can't speak on the gang itself, but some do,
11 yes.

12 Q. Some do?

13 A. Yes.

14 Q. And did you learn that in your first five years,
15 or more recently?

16 A. Throughout my career.

17 Q. Just throughout your career?

18 A. Yes.

19 Q. So you've had occasions in which you have
20 encountered gang members who have bragged about doing
21 certain things, certain crimes, correct?

22 A. I guess when you say "brag," I mean, they're not
23 being boastful about it.

24 Q. They're not?

25 A. No. I mean, when you -- when I'm interviewing

1 these gang members, yes, some do lie, that they didn't
2 commit the crime that I'm investigating, and some do
3 admit to it.

4 But as far as being boastful about it, there have
5 been some, but for the most part, they don't boast about
6 it.

7 Q. When MS -- are you telling me that when MS
8 members are discussing their criminal activities with
9 one another, they don't boast about it?

10 A. I'm pretty sure they talk about it, yes.

11 Q. I didn't ask you about talk, Detective. Do they
12 boast about it?

13 A. I'm not right there to hear them boast about it.

14 Q. During your 16 and a half years of experience,
15 have you ever encountered a situation in which one
16 boasted about it?

17 A. You are right, because we've done surveillance,
18 video. Yes, they do.

19 Q. So, through your investigative technique, you
20 have encountered situations where members are boasting
21 about what they have done?

22 A. During my investigative techniques, yes.

23 Q. And the reason why you know from your 16 and a
24 half years of experience in being a gang expert, is that
25 they're doing this because they want to, again, improve

1 their reputation and status within the gang, correct?

2 A. Yes.

3 Q. Now, let's talk about these rules. There are
4 different levels of rules in MS-13, correct?

5 A. I don't understand.

6 Q. Well, sort of like in -- you're in law
7 enforcement. There are misdemeanors and then there are
8 felonies, correct?

9 A. Yes.

10 Q. Felonies being more serious than misdemeanors,
11 correct?

12 A. Yes.

13 Q. Misdemeanors warranting certain levels of
14 punishment, while felonies warranting a much higher
15 level of punishment, correct?

16 A. Correct.

17 Q. And the same is true about MS-13, correct?

18 A. Yes.

19 Q. There are small, insignificant rules that get you
20 punished, correct?

21 A. Correct.

22 Q. And then there are more significant rules that
23 warrant more serious, grave consequences, correct?

24 A. That is correct.

25 Q. And as a member of MS-13, all members are charged

1 with knowing those rules, correct?

2 A. They're supposed to, yes.

3 Q. For example, there is something called a 13,
4 correct?

5 A. Yes.

6 Q. And then there is something else called a 26,
7 correct?

8 A. Yes.

9 Q. Now, tell the ladies and gentlemen of the jury
10 what a 26 is.

11 A. Well, 26 is just 13 times 2, and you get beat for
12 26 seconds instead of 13.

13 Q. Who decides who gets a 26?

14 A. The leader of the clique.

15 Q. Does the recipient have any say-so in that?

16 A. The individual receiving it?

17 Q. Yeah.

18 A. No.

19 Q. Do they vote on it as a clique?

20 A. Depends on the violation.

21 Q. They may vote on whether or not to administer the
22 26 or not?

23 A. Yes.

24 Q. And, if you are not in the majority, that is, you
25 didn't vote to have the 26, does that mean you don't get

1 involved?

2 A. No -- as far as the person actually giving the
3 26, you mean?

4 Q. Right.

5 A. No. The clique leader determines -- even though
6 you get a vote and you break it down to a democracy, if
7 you want to say, at the end of the day the leader says
8 what needs to be done.

9 Q. Have you ever, in your 16 and a half years
10 experience, encountered a situation where a member of
11 MS-13 agreed, by word of mouth, that he would
12 participate in a 13 or a 26, but for one reason or
13 another failed to do so?

14 A. Yes.

15 Q. That means they said that they were going to do
16 something, administer punishment, but for some reason
17 they just didn't, correct?

18 A. Correct.

19 Q. Now, that's not something to brag about in MS,
20 correct?

21 A. No. That actually -- then he will get a 13 or a
22 26.

23 Q. That's right.

24 You get punished if you agree to do something but
25 fail to follow through with it, correct?

1 A. Breaking rules.

2 Q. And, generally, that's not something that you
3 want to tell people about, correct?

4 A. About -- bragging about breaking rules?

5 Q. That's right.

6 A. No, you don't.

7 Q. Because that could get you hurt, correct?

8 A. Correct.

9 Q. It could even get you killed, correct?

10 A. Correct.

11 Q. So in those situations, your experience is that
12 the MS member may take steps to conceal the fact that
13 he, in fact, did not go forward, go through with the
14 discipline, correct?

15 A. That's kind of hard to conceal when you have
16 other individuals there.

17 Q. Well, let me just ask you -- not how difficult it
18 is. Have you ever experienced that in your 16 and a
19 half years of experience?

20 A. That, I can't say I have.

21 Q. You can't say that you have?

22 A. With the question you're asking me, that they try
23 to conceal they're not participating in a 26, while
24 other members are there, no, I can't say that I have.

25 Q. Let me -- let me frame it a different way. If a

1 leader gives a homeboy a mission --

2 A. Okay.

3 Q. You understand what a mission is, when I say
4 that?

5 A. Yes, I do.

6 Q. Can you explain to the ladies and gentlemen of
7 the jury what I mean by "mission"?

8 A. A mission is an order to conduct whatever the
9 leader is telling them to do.

10 Q. (Continuing) -- and the homeboy fails to complete
11 the mission --

12 A. Yes, sir.

13 Q. You're still with me?

14 A. Yes.

15 Q. That's something that he would not want the
16 leader to know, correct?

17 A. That's correct.

18 Q. Because, if the leader found out that this
19 homeboy did not follow through with the mission, it can
20 subject that homeboy to punishment, correct?

21 A. Correct.

22 Q. He could get a 13, correct?

23 A. Correct.

24 Q. He could get a 26, correct?

25 A. Correct.

1 Q. He could even be killed, correct?

2 A. Depending on the mission, yes.

3 Q. So you would agree with me, it would be in his
4 interest to conceal the fact that he did not go through
5 with the mission, correct?

6 A. Yeah, being with -- the punishment he would
7 receive with the mission given, yeah, he would try to
8 conceal it.

9 Q. And when we talk about these rules and its
10 enforcement, it's not just limited to the members,
11 correct?

12 A. No.

13 Q. MS will reach out and touch friends and family,
14 correct?

15 A. That is correct.

16 Q. And, all members know that, correct?

17 A. Correct.

18 Q. That if you break one of these rules, such as not
19 following through with a mission, you not only can
20 subject yourself to physical harm, you also might
21 subject your mamma to physical harm.

22 A. Correct.

23 Q. Your daddy to physical harm?

24 A. Correct.

25 Q. Your sister might be killed?

1 A. Correct.

2 Q. Your brother might be killed?

3 A. Correct.

4 Q. Your wife might even be raped, correct?

5 A. Or killed.

6 Q. And this is particularly sensitive to those MS
7 members who immigrated from El Salvador, correct?

8 A. What part?

9 Q. This fear of MS taking out retribution against
10 their family members?

11 A. But they knew that going into the gang, though.

12 Q. I know.

13 But isn't it particularly acute, among those
14 members who came from El Salvador and still have family
15 members back in El Salvador, who are operating here in
16 the United States?

17 A. Both, and the family they have here. But they
18 knew that going in.

19 Q. But the risk to the families back in El Salvador
20 is much higher than here in the United States, correct?

21 A. Why is that?

22 Q. Well, I'm asking you. You're the gang expert,
23 correct?

24 A. It can be either or.

25 Q. Are you telling me that the safety of the family

1 members in El Salvador is the same as what it is here in
2 the United States?

3 A. If you're basing it down by security, no. It's
4 much dangerous down in El Salvador.

5 Q. It's much more dangerous in El Salvador, correct?

6 A. Yes.

7 Q. People get macheted and murdered, gang related
8 homicides, in El Salvador almost every day, correct?

9 A. That's correct.

10 Q. All the time, correct?

11 A. Correct.

12 Q. And your experience tells you that law
13 enforcement down there have virtually no chance of
14 stopping it, correct?

15 A. I can't say that for a hundred percent.

16 Q. In fact, down in El Salvador, the gang members,
17 they even run the jails, don't they?

18 A. That, they do.

19 Q. They do what they want when they want, correct?

20 A. That, they do.

21 Q. And gang members in MS in this country, they're
22 familiar with that fact, correct?

23 A. Yes.

24 Q. And that's a concern for them, correct?

25 A. I guess so.

1 Q. Their family's safety back in El Salvador,
2 correct?

3 A. Yes.

4 Q. Now, some of these rules, you said one of them
5 is, don't cooperate with law enforcement, correct?

6 A. That's correct.

7 Q. And, that's probably the number one rule, behind
8 loving the Mara, correct?

9 A. Actually, Mara always comes first.

10 Q. That's first. That's putting the Mara number
11 one, correct?

12 A. Correct.

13 Q. Now, when they cooperate with law enforcement,
14 what we mean is by testifying in court, correct?

15 A. Uh-huh.

16 Q. Against the gang, correct?

17 A. Correct.

18 Q. And, that also means meeting with people like
19 yourself, detectives, to give interviews about the gang,
20 correct?

21 A. Correct.

22 Q. Those aren't the type of things that MS considers
23 cooperating, correct?

24 A. They refer to them as *ratas*.

25 Q. And, that is -- even in situations where a member

1 wishes to assist law enforcement to protect himself, if
2 in doing so he speaks ill of the gang, that could
3 subject him to discipline, correct?

4 A. Yes.

5 Q. That's a violation of the rule, too, correct?

6 A. Yes.

7 Q. So even if a gang member came into a courtroom
8 and said, "I didn't do it, but they did it, the rest of
9 the gang," that gets you punished, correct?

10 A. I don't understand the question.

11 Q. Well, I'm saying, when a -- if a gang member --
12 you said testifying in court is considered cooperation,
13 correct?

14 A. Yes.

15 Q. And even if a gang member -- because you're the
16 expert --

17 A. Yes, I know that.

18 Q. -- were to testify that they did not commit an
19 alleged crime, but that other MS members committed the
20 crime, that would subject them to punishment, correct?

21 A. His mere talking to law enforcement would --

22 Q. Again, that could get him killed, correct?

23 A. Yes.

24 Q. That could get his mamma killed?

25 A. Yes.

1 Q. His daddy killed?

2 A. Yes.

3 Q. His brothers and his sisters, correct?

4 A. Correct.

5 Q. Now, different people in MS have different levels
6 of authority, correct?

7 A. Yes.

8 Q. There's a certain hierarchy, I think how you
9 describe it, correct?

10 A. Correct.

11 Q. Not everyone can order a green light, correct?

12 A. Correct.

13 Q. Certain ones require somebody above your chain of
14 command, if you -- if you will, correct?

15 A. Correct.

16 Q. And, when these meetings are held, the *misa* --
17 that's the mass, is that correct?

18 A. Church mass.

19 Q. Church mass.

20 And "mass" is another word for *misa* that's often
21 used, correct?

22 A. Yes.

23 Q. Now, not everybody is invited to these mass,
24 correct?

25 A. No.

1 Q. Only the higher-ups, correct?

2 A. Leadership.

3 Q. The leadership.

4 And then they filter down what has happened at
5 the *misa* to the homeboys, correct?

6 A. Correct.

7 Q. And, these are the leaders of MS who are at the
8 *misa*, correct?

9 A. Correct.

10 Q. These are the same criminals we talked about
11 earlier, correct?

12 A. Yes.

13 Q. The same untrustworthy individuals, correct?

14 A. As you refer to them, yes.

15 Q. I think that was a word you adopted. Am I
16 incorrect?

17 A. Yes, go ahead.

18 Q. And the same liars that we're talking about,
19 correct?

20 A. Yes.

21 Q. They go back and they relay messages to the
22 homeboys, correct?

23 A. Correct.

24 Q. And the homeboys, they weren't at this *misa*,
25 correct?

1 A. That is correct.

2 Q. They are relying on the same liars, correct?

3 A. Correct.

4 Q. The same criminals, correct?

5 A. Correct.

6 Q. The same untrustworthy individuals, correct?

7 A. Correct.

8 Q. To reliably tell them what happened at the *misa*,
9 correct?

10 A. Correct.

11 Q. And there's no -- I mean, let's be honest here.
12 This isn't a standard business meeting, correct?

13 A. No.

14 Q. I mean, there's nobody there like a court
15 reporter taking down what's being said, correct?

16 A. No.

17 Q. There's not even anyone down there scribbling
18 down handwritten notes, correct?

19 A. In some cases, they have.

20 Q. Everybody is just going off word of mouth,
21 correct?

22 A. For the most part.

23 Q. Now, you have testified, I believe, you said, 13
24 times, correct?

25 A. Yes.

1 Q. And, five of those occasions were in federal
2 court, correct?

3 A. Here in EDVA, yes.

4 Q. Right here in the Eastern District of Virginia?

5 A. Yes.

6 Q. Is it fair to say that you've testified on all
7 five of those occasions for the U.S. Attorney's Office?

8 A. Yes.

9 Q. And how many times did you meet with the U.S.
10 Attorney's Office before you came in here today about
11 this particular case?

12 A. I met with them once.

13 Q. Let me draw your attention to Government's
14 Exhibit 137-A. And turn to page four, for me. Let me
15 know when you've found it.

16 A. Okay.

17 Q. You got page four?

18 A. Yes.

19 Q. Now, in relation to the first case, do you recall
20 how many times you met with the U.S. Attorney's Office?

21 A. For the February 13th one?

22 Q. Yes.

23 A. No, I don't.

24 Q. Was it more than once?

25 A. Yes.

1 Q. What about the second case, the February 15th
2 case; did you meet with the U.S. Attorney's Office more
3 than once?

4 A. Yes.

5 Q. Was it more than five times?

6 A. That, I can't say for certain.

7 Q. What about the -- the July 2009 case; how many
8 times did you meet with the U.S. Attorney's Office?

9 A. More than once.

10 Q. More than once.

11 Let me turn -- turn to page five.

12 A. Okay.

13 Q. You see the case, listed February 19, 2010?

14 A. Yes.

15 Q. Did you meet with the U.S. Attorney's Office on
16 that occasion?

17 A. Yes.

18 Q. How many times?

19 A. Actually, that one was once.

20 Q. Once?

21 A. Yes.

22 Q. Turn to page six.

23 The May 13, 2013, case, how many times did you
24 meet with the U.S. Attorney's Office?

25 A. Once.

1 Q. How many times have you met with me?

2 A. None.

3 Q. How many times have you met with my client,
4 Mr. Torres?

5 A. None.

6 Q. Now, are you -- you're here today and this is a
7 part of your job, correct?

8 A. Correct.

9 Q. You get paid, correct?

10 A. For being a police sergeant, yes.

11 Q. That's right.

12 And, do I understand it correctly, in all the
13 times -- other than those five times, the other eight
14 times you testified, have you ever testified on behalf
15 of the defense?

16 A. No.

17 Q. You always testify on behalf of the government?

18 A. Yeah, for my job, yes.

19 MR. JENKINS: I have no further questions,
20 Your Honor.

21 THE COURT: We've reached the recess hour,
22 5:00 p.m.

23 Ladies and gentlemen, please do not discuss
24 the case. Don't permit the case to be discussed in your
25 presence.

1 Don't do any research on the case. Leave
2 your notes in the jury deliberation room.

3 We will resume tomorrow at 10:00 a.m.
4 You're free to leave.

5 Remain on the stand, please.

6 Jurors, I'm sorry. My law clerk has
7 reminded me, was there anyone on the jury who wanted to
8 bring a laptop in tomorrow? Does anyone want to do that
9 for work?

10 (Jurors indicating.)

11 THE COURT: Okay. Give your names to
12 Mr. Toliver. We will issue a letter for you to bring
13 them in. Three?

14 Just give your name to Mr. Toliver on your
15 way out. You have to bring your own hot spot. We don't
16 have wireless in the courthouse. Okay.

17 (Jury not present.)

18 THE COURT: You may be seated.

19 Sir, can you hear me okay?

20 THE WITNESS: Yes, sir.

21 THE COURT: Obviously, we need you back
22 tomorrow. Please do not discuss this case with anyone,
23 and no more talking to any lawyers until you come back
24 to court. Okay?

25 THE WITNESS: Yes, sir.

1 THE COURT: Including the government
2 attorneys. Thank you. You're excused to leave. You're
3 excused.

4 (Witness stood aside.)

5 THE COURT: Is there anything else I need to
6 take up before we leave today?

7 (No response.)

8 THE COURT: No?

9 We're in recess until tomorrow at
10 10:00 o'clock. Thank you.

11 (Thereupon, the proceedings were concluded
12 at 5:01 p.m.)

13 ---
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Renecia Wilson, an official court reporter for the United States District Court of Virginia, Alexandria Division, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had upon the jury trial in the case of UNITED STATES OF AMERICA v. JOSE LOPEZ TORRES, et al.

I further certify that I was authorized and did report by stenotype the proceedings in said jury trial, and that the foregoing pages, numbered 1 to 58, inclusive, constitute the official transcript of said proceedings as taken from my shorthand notes.

IN WITNESS WHEREOF, I have hereto subscribed my name this 27th day of April, 2016.

/s/

Renecia Wilson, RMR, CRR
Official Court Reporter